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THE WHITE HOUSE

WASHINGTON

March 23, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS *JGR*

SUBJECT:

Request for President Reagan to Write
an Article on the Presidency for the
Special Symposium Issue of "National
Forum" on the Bicentennial of the
Constitution

Mark Cannon has forwarded materials describing the contemplated issue of National Forum on the Bicentennial of the Constitution, and has asked for your help in securing the agreement of the President to write the article on the Presidency. National Forum is the quarterly publication of the national university honor society Phi Kappa Phi. Phi Kappa Phi has some 235 chapters, primarily in state university systems. According to the outline submitted by Cannon, guest editor of the issue, the issue will, like Gaul, be divided into three parts: The first part will present the historical background of the framing of the Constitution; part two is entitled "Retrospective and Prospective Views of the Three Branches" and will contain general articles on Congress (tentatively by Speaker Tip O'Neill), the Supreme Court (by the Chief Justice), and the Presidency (which, Cannon hopes, will be by the President); and part three will contain articles on a range of Constitutional issues, such as First Amendment freedoms, property rights, national security, and so on.

I see no legal difficulties with the President authoring the article on the Presidency, should he desire to do so. I would not, however, support such a proposal on policy grounds. National Forum is a somewhat academic, intellectually-oriented journal and Cannon contemplates that the article on the Presidency will contain a legal and historical discussion. I do not think the public reacts well to articles that are transparently ghost-written, and an article of the sort sought by Cannon, suitable for this journal, would clearly not be the natural product of the President. I think the sort of article contemplated by Cannon would more appropriately be authored by the Counsel to the President, or perhaps someone from the Department of Justice. Our office could compose a thoughtful piece without too much trouble, drawing primarily on sources such as The Federalist and secondary works such as the studies of executive power by Professor Corwin. We should discuss.

PP001

**WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET**

☐ O - OUTGOING☐ H - INTERNAL☐ I - INCOMINGDate Correspondence
Received (YY/MM/DD) 1 1Name of Correspondent: Mark W. Carson☐ MI Mail Report

User Codes: (A) _____ (B) _____ (C) _____

Subject: Requests President to write an article
on the presidency for the special
symposium issue of NATIONAL FORUM on
the Bicentennial of the Constitution

ROUTE TO:**ACTION****DISPOSITION**

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>PW Holland</u>	<u>DDI</u> ORIGINATOR	<u>84103112</u>			<u>1 1</u>
<u>COAT 18</u>	<u>DDI</u> Referral Note:	<u>84103113</u>		<u>5</u>	<u>84103123</u>
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ACTION CODES:

A - Appropriate Action
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 to be used as Enclosure

I - Info Copy Only/No Action Necessary
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DISPOSITION CODES:

A - Answered
 B - Non-Special Referral
 C - Completed
 S - Suspended

FOR OUTGOING CORRESPONDENCE:

Type of Response = Initials of Signer
 Code = "A"
 Completion Date = Date of Outgoing

Comments: See ID 197259-F41

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NATIONAL Forum

THE PHI KAPPA PHI JOURNAL

Editor
STEPHEN W. WHITE

Managing Editor
ELAINE M. SMOOT

March 12, 1984

211456cw

The Honorable Fred Fielding
Counsel to the President
Old Executive Office Building
Room 45
Washington, D.C. 20500

Dear Fred:

As per our discussion, I am enclosing the materials for the special symposium issue of National Forum on the Bicentennial of the Constitution. We would appreciate anything you can do to get the agreement of the President to write the article on the presidency.

Sufficient foundation money has been granted for this issue to assure that there will be a minimum of 50,000 extra copies, which will be widely disseminated this Fall to the leadership of civic, professional, and occupational organizations that are likely to carry out Bicentennial activities. I hope President Reagan will want to be included in what I expect to be a historical document.

Very best wishes and warmest regards,

Sincerely,

Mark W. Cannon
Guest Editor

Enclosures

March 2, 1984

Phi Kappa Phi National Forum Symposium

WHY CELEBRATE THE CONSTITUTION?
TOWARD THE BICENTENNIAL OF THE CONSTITUTION

1. Introduction: Toward the Bicentennial of the Constitution --
Perennial Issues and Vital Concerns

Mark W. Cannon

Administrative Assistant to the Chief Justice
of the United States

The introduction will serve three purposes: (1) to focus readers' attention on the unique nature of the American experiment with a written Constitution and the benefits for the people of this nation that have accrued in the last two hundred years; (2) to highlight constitutional issues and problems, such as the tensions between efficiency and protection against arbitrary decisions and between liberty and constraint, related to the dispersion of power through federalism and of separation of powers; and (3) to provide an overview of the themes in the symposium.

PART I

Celebrating the Constitution

2. The Old World Heritage and the Inspiration of the Founding Fathers

William F. Swindler

John Marshall Professor of Law Emeritus

Marshall-Wythe College of Law

College of William and Mary

This article will examine the moral, political, and economic thought in the world of the Founding Fathers: The influence of Locke, Hume (who was drawn upon heavily in the Federalist papers), and the other Scottish philosophers, Montesquieu and Newton, as well as the colonial experience and the lessons of governance learned from the first experiment--the Articles of Confederation. The basic objective is to provide some background for why the Constitution emerged as it did and to illuminate the rich intellectual heritage of the founding generation--their understanding of the "higher law" background of the Constitution, the importance of religious freedom and freedom of speech, no less than the necessity for checks against the arbitrary coercive power of government. This will show how

the Constitution went beyond the fashioning of institutions and rules to symbolize a set of ideas that united a heterogenous people and fostered an emerging nation.

The article should show the linkage of the Constitution with, and its evolution from the Revolution, which rejected monarchy and patronage-dependency relationships along with the English social system. This was followed by such tyrannical legislatures in states like Pennsylvania, that it contributed to the realization of a need for a strong executive and judiciary separate from the legislature, carrying Montesquieu further than he had gone in separation of powers.

3. Creating and Ratifying the Constitution

Richard B. Morris

Gouverneur Morris Professor Emeritus of History

Columbia University, and

Co-Chairman, Project '87

This article basically highlights the drama of drafting the Constitution--the craftsmanship that went into the writing of the document, with consensus concerning the requirements of free government as the goal, but with compromises where necessary. While compromises must still be made in American politics--and that may be the essential

feature that characterizes American politics--the country, has been widely committed to underlying principles of the Constitution in spirit at least, remains uncompromising in its fidelity to the Constitution, which, because of the craftsmanship and farsightedness of the Founding Fathers, ensured the ideal of the rule of law and that ours is a government of laws, not of men and women.

Also of interest is the ratification of the Constitution. The article should describe the remarkable process of ratification, as well as the debate that surrounded adoption of the document. Particular attention will be paid to the significant battles in Virginia and New York, where overwhelming opposition was converted into a three vote victory. Attention should be devoted to the nature of the anti-Federalist opposition and the long-term influence their arguments have had in American history.

4. Do We Have a Living Constitution?

Walter F. Berns

Resident Scholar, American Enterprise Institute, and
Former Professor of Political Science, Cornell and
Yale Universities

This essay will examine a central issue in American law, jurisprudence and political philosophy: in what sense does

the meaning of our written Constitution change to meet assumed contemporaneous needs--that is, in what ways and to what extent have the meaning of our constitutional provisions changed? Does the Constitution lay out basic principles that do not change, but are simply applied to different situations in different periods? Are the principles of the Constitution pertinent to today's problems? To what extent and by what methods should the Constitution change?

PART II

Retrospective and Prospective Views of the Three Branches

5. The First Branch: Congress

The Honorable Thomas P. O'Neill
Speaker of the House of Representatives
(Tentatively)

This article should provide an historical overview--from the founders' conceptions to the contemporary period--of the First Branch of Government and the central role of Congress in ensuring the representative nature of our government. Changes in the size, organization, staffing and operation of

Congress will be discussed, along with an assessment of power and methods of operation of Congress in contemporary political life and its responsibility for providing for the general welfare. Suggestions should be made as to the future role and methods of operation of the Congress and its relationships with the other branches.

6. The Power of the Presidency

President Ronald Reagan

(Possibly)

Much like the previous article in focus and orientation, this article should place the presidency in historical and political perspective commencing with the conceptions of the founders. Here, however, special attention should be given to what has been called the "two presidencies" in foreign and domestic affairs, and to the powers enumerated and those which presidents have assumed or which have been implied in providing leadership at home and abroad. While some attention would undoubtedly be given to the so-called "institutionalized presidency," the author will also address historical concerns such as the challenging need of the country for political statesmanship, leadership and vision of the future. Suggestions should be made as to possible changes in the role and functioning of the presidency and its

relationship with the other branches, possibly dealing with such proposals as the item veto.

7. The Judiciary--"the Least Dangerous Branch?"

Chief Justice Warren E. Burger

This essay, again, will provide an historical perspective, starting with the founders' conceptions of the judiciary--and in particular the Supreme Court: from "the least dangerous branch" to a co-equal branch of government that has helped preserve the Constitution and ensure the rule of law as well as the constitutional protections uniquely accorded civil and economic liberties. The article will also cover the changing size, nature and jurisdiction of the federal judiciary and its relationship to the state judiciary and the other branches. The appropriate contemporary and future role of the Court and its relationships with the other branches and suggestions for improved functioning of the judiciary and the federal system should be highlighted.

PART IIIEnduring Values and Free Government8. Civic Virtue, Morality, and Religion

Senator Orrin G. Hatch

Chairman, U.S. Senate Subcommittee on the Constitution, and
Author of P.L. 98-101 to Create a Commission for the
Celebration of the Bicentennial of the Constitution

The aim, here, is to explicate the notions of civic virtue and civic morality and the importance of religion for the Founding Fathers--and, of course, the colonists--as well as their continuing import for democratic political life as illustrated, for example, by the Northwest Ordinance that asserted that religious education was essential to free government. The author will, for instance, discuss the relationship between limited government and the necessity for a moral foundation for self-government, as well as illuminate the need for majority and minority religious freedom. The essay concludes with a discussion of how often conflicting views of religion and government have been accommodated and why addressing the issue of civil virtue and morality is important as we celebrate the bicentennial. The recent emphasis on civic virtue by such historians as Bernard Bailyn

of Harvard, and Gordon Wood of Brown, will be useful here. The article will also deal with potential conflicts between interpretations of the "free exercise" and "establishment" of religion.

9. Civil Liberties and Limited Government

Wade H. McCree, Jr.

Professor, University of Michigan School of Law,
Judge for the Seventh Circuit Court of Appeals, and
former Solicitor General of the United States

This article will show the unique role of the Constitution in channelizing the energy of the American Revolution into a creative and constructive system of government, and will contrast the fate of other revolutions--making the American Revolution the only one that achieved its goals. A central concern will be how the very structure of our constitutionally limited government was intended to provide for citizens basic civil liberties and rights. It will discuss why a Bill of Rights was adopted (at the urging of the Anti-Federalists) and how the workings of our Constitutional system of government--through legislation, constitutional amendments and judicial interpretation--have ensured and expanded some individual rights.

In addition to the role of structure, the political and legal culture will also be emphasized, which helps explain why Constitutions with similar features often did not work in other countries. Our success can be attributed to such factors as the existence of the highest literacy (based heavily on Bible reading) in the world, including of course, England; the founding generations experience with self-government, which, despite a limited electorate, exceeded the experience of any other country; the philosophical breadth and statesmanship of leaders of the founding generation; the willingness of the anti-federalists to accept the Constitutional system they had opposed once it was ratified; the commitment to the rule of law; the ability to improvise, such as the development of voluntary alternatives to litigation pointed out by John Adams when the British shut down the courts; and, aside from the tragic exception of slaves, the refusal to tolerate different legal treatment of different classes.

The author could also elaborate upon some of the fundamental tensions in our system of free government; for example, the tension between liberty and constraint, majority and minority views, the ever vexing problems of balancing "the rule of law" with, as Chief Justice John Marshall said, "the transitory will of the people."

10. The Constitution and Guarantees for Free Expression

This essay would focus primarily on the role of the First Amendment in our free society. In addition to doctrines of free speech and press, it should also include religion and association. Naturally, the First Amendment and the Supreme Court's evolving doctrines would figure prominently in the piece, providing perhaps a structure and historical focus: from the Founding Period and the Blackstonian view of "free speech," through the Supreme Court's first confrontation with litigation arising from the sedition laws during World War I and with the claims of Jehovah's Witnesses somewhat later, to the Court's articulation of a two-level theory of First Amendment protection and recent expansion of the scope of the amendment's protection for "fighting words", libel, obscenity and commercial speech. Along with these concerns, it would be useful for the author to also discuss the issues of freedom of association--from the NAACP cases in the 1950's to Buckley v. Valeo and campaign contributions--and the right to vote as they relate to individual expression and self-determination in a system of free government.

Particularly important would be a discussion of what are the professional and ethical obligations of the media given this vast influence and their Constitutional protection from external control. Devices such as codes of ethics, ombudsmen, and press councils could be explored.

11. Factions, Parties, Interests and Public Participation

David Mathews

President, Charles F. Kettering Foundation,
Former Secretary, Health, Education, and Welfare, and
Former President, University of Alabama

The focus of this article should be on the idea of popular sovereignty and how in historical perspective that idea has been realized. During the last 200 years, our Constitution has indeed become more democratic--principally through constitutional amendments pertaining to the election of senators and the extension of the right to vote--thereby inviting more direct participation in public affairs. The ideals of free government and popular sovereignty, in other words, appear to have become more meaningful for more people and thus the fragile experiment in self-government has sustained itself. Nonetheless, the organizational dynamics and practical realities of American politics continues to change. The author, therefore, will place the idea of popular sovereignty into a historical and political perspective: explaining the Madisonian Model--as set forth in the Federalist Papers, number 10 and 51--and its breakdown in the rise of political parties in the 19th Century, and then turning to the contemporary problems confronting political parties and government institutions due to the rise of interest group pluralism. The author will offer a

personal assessment of the opportunity and obstacles for public participation in a political system increasingly dominated by special interest groups.

The author may address issues such as the following: The effect of interest groups on party discipline and the formulation and implementation of public policy; the extent to which highly financed Washington-based interest groups, concentrated media, and the nationalization, bureaucratization and judicialization of government decision-making have made government officials less accountable to the citizenry as a whole and direct participation by citizens government more difficult.

In short, the central concern is a description and assessment of the changes in the Constitutional system that may result in changes in the idea of popular sovereignty and participatory democracy. Suggestions could be made for ways to increase both the responsibility and extent of citizen participation in government.

12. "A Commercial Republic," Property Rights and Economic Self-Determination

No small part of the success of the nation must be attributed to the Hamiltonian and Madisonian vision of a "large commercial republic." This essay will begin with those considerations and then examine the development and

nurturing of our economic self-determination in historical perspective and in view of future needs, problems and developments.

The founders viewed the new American Constitution not only as the way to implement a political and social revolution, but also to encourage a thriving economy. Influenced by Adam Smith and David Hume, the founders conceived that free enterprise would stimulate prosperity, the best way to benefit all, including the impoverished by freeing people to improve their own situations and by creating a prosperous environment with expanding opportunities. It was also conceived that freedom of economic opportunity would channelize factional conflict toward constructive economic and social ends. Similarly, the rights of private property were not only seen as an incentive to effort, but also as underscoring other rights by strengthening people's personal independence and making them less vulnerable to threat or coercion.

13. Science, Technology and the Constitution

Don K. Price

Former Dean, Kennedy School of Government,
Harvard University, and
Former Vice President, Ford Foundation

Many scholars have examined the effect of politics upon science. An interesting and oft-neglected topic is the effect of science upon politics. Don Price, in America's Unwritten Constitution, examines the relationship of science, religion, and government. He asserts that the characteristic American approach to political and legal authority was greatly influenced by the anti-authoritarian attitudes of early religious dissenters. These attitudes and ideas, which later became incorporated in the political attitudes of scientists, were important in the shaping of American political institutions and practices. These two groups share a similar philosophy that solutions should be sought outside of government.

Conversely, American government has played an important role in the development and great achievements of American science. The Constitution specifically provides that the federal government shall have the power "to promote the Progress of Science and the useful Arts" by ensuring the right of copyright and patent of discoveries and original writings. Congress, moreover, in providing for the common

defense and general welfare may make all laws "necessary and proper" for carrying into execution its enumerated powers (Article I). The national government, as the Founding Fathers with their exuberance over science, recognized, thus has a responsibility for promoting and safeguarding science.

That responsibility is vexatious given the ambiguous relationship between science and a constitutional system of free government. For, at one level, science--in its eternal quest for certainty, truth--claims to be above politics, while (in a democratic society) the principle of majority rule governs and politics based on compromises--compromises over issues both of a normative and causal nature--often confront and indeed counter scientific advances. At another level, this tension between political self-government and the self-regulation of science (though receiving public monies) have been manifested in the history of governmental promotion and regulation of science and technology.

The tensions between science and politics are especially unique and acute in our Constitutional system of free government--born as it was of the Enlightenment and dedicated to individual freedom of inquiry and private enterprise. The relationship between science and politics has become even more important (with the need for high-technology in securing the national defense and exploring the outer reaches of space, as well as with meeting the demands for improved health, safety and environmental conditions), and the tensions more pronounced, due to the expansion of government

and the achievements of private enterprise which have made the United States in the last 200 years a science-and-technology-oriented society and a world leader in R&D, regardless of whether one considers computers, space exploration or biomedical technology. Today, Dr. Price, in his book The Scientific Estate, cautions: "If a government is to act as an organized whole, it must make decisions on problems for which neither the sciences, nor the professions that are based on them, are prepared to give complete answers. But although science can never provide a complete solution to any major political problem, no major problem can be dealt with today without its help, and its help can be effective only if it is given generous support, and a large measure of freedom by government."

This proposed essay might examine the relationship between science and government in our Constitutional system in terms of enduring values cum tensions--science vs. politics, scientific creativity and freedom vs. governmental regulation, public vs. private financial support of and limits on science--and provide a broad historical overview of the achievements of American scientists, the increasing necessity for promotion, and at times regulation, of science and the enormous benefits that science and technology have provided for our citizens and our enterprise system.

Many important recent issues are relevant including the patentability of organic life forms and computer programs, advances in telecommunications and synthetic-organic

chemistry, the further exploration of space, and the challenge of improving the quality of life, as well as biomedical research and technology.

14. The Constitution and National Security

This essay touches on an especially timely and controversial topic, and one that is in part already embraced in the piece on Presidential Power. It should be broad in scope; that is, cover in historical perspective the problem of national security rather than focus on contemporary issues per se--issues such as arms control, nuclear weapons, and secrecy agreements and proposed revisions of the Freedom of Information Act. As such, the essay should begin with the defects of the Articles of Confederation in failing to provide the conditions for securing national security and domestic tranquility. The essay then might move to the debates in the Constitutional Convention over the secrecy of Congressional Journals, the power of Congress to appropriate for the national defense and to raise an army, and the power of the President as Commander in Chief and in foreign affairs. From the founding period, I should think that the author would try to portray the major crises and challenges to national security cum sovereignty: the War of 1812, the Civil War, the rise of radicalism in the late-19th Century which culminated in World War I, and finally the post-World

War II era. That is a lot to cover and obviously it cannot be covered in any depth. In addition, the author should touch on the following topics and events: the development of the intelligence community and systems of classified information (following various executive orders and international events); the relationship between the press and the executive branch, along with the doctrine of no prior restraint and claims to "executive privilege" (emphasizing the degree to which the press historically engaged in a great deal of self-censorship at the request of the government, at least until the Pentagon Papers and Vietnam); and, finally but not least importantly, the growing import of science and technology in national security and strategic planning, as well as contemporary threats to national security from high-tech espionage and foreign penetration of trade secrets. A balanced presentation of the issues in the War Powers Act should be made. The essay might be concluded with the author's personal assessment of national security issues in a bicentennial era. The piece should be balanced in noting that the Constitution, on the one hand, imposes limits on claims of national security when the coercive powers of government are turned toward citizens of the United States and, on the other hand, provides for great freedom and flexibility when presidents must respond to foreign threats and international crises.

15. The Influence of the U.S. Constitution and Individual Freedom
Abroad

Albert P. Blaustein

Professor of Law, Rutgers School of Law

Co-Author 18 Volume Constitutions of the Countries of the World

As a major political innovation, which became an immigrant haven for millions for the downtrodden and dissenters of the world, what impact did the U.S. Constitution have on other countries? The American Constitution captured the imagination of people in many lands, and many of its ideas were adapted in other countries. These will be traced with a few statistics on the growth of written Constitutions, references to several countries experiences, and one or two brief case studies such as that yearly constitutionalism in France. What aspects of the U.S. Constitution were most copied and when? Difficult questions should be explored, such as what are the conditions that enable a people to create and abide by the constraints of a written Constitution? What is the the future role of the U.S. Constitution as both a symbol and as guidance for instruments of freedom around the world? How should Constitutionalism be blended with the current Project? Democracy to encourage democracy around the world?

16. How Should the American People Celebrate the Bicentennial of the Constitution?

William J. Bennett

Chairman, National Endowment for the Humanities, and
Former President and Director, National Humanities Center at
Research Triangle Park, North Carolina

What should be the goals of the commemoration of the Constitution? How can the American people become engaged with the Constitution--encouraged to understand better the nature, limits and implications of the Constitution? How can the public become more interested in trying to understand and vigilantly sustain the elements of the Constitution that have uniquely sustained ordered liberty and economic betterment for two centuries? How can the public be stimulated to participate more responsibly in our Constitutional government? What ideas should be suggested for government programs for the commemoration? What ideas should be considered for Constitutional and law related education? What ideas should be considered for private citizen and organizational involvement?

THE WHITE HOUSE

WASHINGTON

April 5, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Article by the President
for "National Forum"

You will recall that Mark Cannon, the Chief Justice's factotum and guest editor of the upcoming issue of National Forum on the bicentennial of the Constitution, has written both you and Mr. Deaver to ask that the President author an article for the issue on the Presidency. Mr. Deaver has asked for our approval of a letter to Cannon, accepting the offer and noting that Mike Baroody will be handling the staff work. As we have discussed, the nature of the contemplated article makes it more appropriate that our office rather than Baroody's draft it, and accordingly I have revised Deaver's letter to state that you will be coordinating the preparation of the article. I have also prepared a letter for your signature to Cannon, noting that you are looking forward to working with him on the article. Unless you object, I will begin drafting the article as well.

Attachment

THE WHITE HOUSE

WASHINGTON

April 5, 1984

MEMORANDUM FOR MICHAEL K. DEEVER
ASSISTANT TO THE PRESIDENT
DEPUTY CHIEF OF STAFF

FROM: FRED F. FIELDING *Orig. signed by FFF*
COUNSEL TO THE PRESIDENT

SUBJECT: Article by the President
for "National Forum"

You have asked for our views on a proposed reply to a letter from Mark Cannon, guest editor of the upcoming issue of National Forum on the bicentennial of the Constitution. Cannon has asked that the President author the article on the Presidency for the issue. Your draft reply accepts the invitation for the President and advises Cannon that Mike Baroody will be coordinating the staff work on the article.

Cannon has discussed this matter with me in the past. I have no legal objections to the President agreeing to author the article, but think that, in light of the contemplated nature of the article, it would be more appropriate for my office to prepare the draft. Accordingly, I have attached a revised response for your signature, advising Cannon that I will be coordinating the staff work on the article. I will also write Cannon directly for details and begin the process of preparing the article.

FFF:JGR:aea 4/5/84

cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

April 5, 1984

Dear Mark:

The President would be delighted to author an article for National Forum's special symposium on the Bicentennial of the Constitution.

The outline of the special issue is very impressive and I certainly agree that its publication will mark a major contribution to the celebration of the Bicentennial of the Constitution.

Counsel to the President Fred F. Fielding will coordinate the staff work for the President on this article. Fred will be in touch with you shortly to discuss the details.

Sincerely,

MICHAEL K. DEAVER
Assistant to the President
and Deputy Chief of Staff

Mr. Mark W. Cannon
Guest Editor
National Forum
Box 19420A
East Tennessee State University
Johnson City, Tennessee 37614
MKD:FFF:JGR:aea 4/5/84
bcc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

April 5, 1984

Dear Mark:

Thank you for the additional information on the special symposium issue of National Forum on the Bicentennial of the Constitution. I understand that Mr. Deaver has advised you that the President will be delighted to author the article on the Presidency, and that I will be coordinating the staff work for the President on the article. I am looking forward to working with you on this project, as I am confident that the publication of the issue will be one of the highlights of the bicentennial celebration.

We have begun preliminary work on the article, and would appreciate whatever details as to length, timing, and so on are necessary to guide our preliminary work.

With best wishes,

Sincerely,

Orig. signed by FFF

Fred F. Fielding
Counsel to the President

Mr. Mark W. Cannon
Guest Editor
National Forum
Box 19420A
East Tennessee State University
Johnson City, Tennessee 37614
FFF:JGR:aea 4/5/84
bcc: FFFielding/JGRoberts/Subj/Chron

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

PP001

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Received (YY/MM/DD) 1 1 1

John

Name of Correspondent: Mark W. Cannon☐ MI Mail Report

User Codes: (A) _____ (B) _____ (C) _____

Subject: Further on article from the President
in a special Symposium issue on
the Bicentennial of the Constitution
for NATIONAL FORUM

ROUTE TO:

ACTION

DISPOSITION

Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Completion Date YY/MM/DD
<u>CU Holland</u>		ORIGINATOR	<u>DD 84103122</u>		<u>1 1</u>
<u>CU AT18</u>		Referral Note: <u>Continuing work</u>	<u>A/D 84103123</u>		<u>584104102</u>
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User Codes: (A) _____ (B) _____ (C) _____

Subject: Further correspondence re: article for
National Forum

ROUTE TO:

ACTION

DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>W. Holland</u>	ORIGINATOR	<u>84103128</u>			<u>1/1/1</u>
	Referral Note:				
<u>WAT18</u>	<u>A</u>	<u>84103129</u>			<u>1/1/1</u>
	Referral Note:				
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	Referral Note:				

ACTION CODES:

A - Appropriate Action
C - Comment/Recommendation
D - Draft Response
F - Furnish Fact Sheet
to be used as Enclosure

I - Info Copy Only/No Action Necessary
R - Direct Reply w/Copy
S - For Signature
X - Interim Reply

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A - Answered
B - Non-Special Referral
C - Completed
S - Suspended

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Type of Response = Initials of Signer
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THE WHITE HOUSE
WASHINGTON

5/8/84

To: John Roberts

From: Pat Hall

FFF would like you to attend this luncheon meeting in his stead, but wants to talk with you about it first.

Please let me know if you need any additional information.

Thanks.

Supreme Court of the United States
Washington, D. C. 20543

ADMINISTRATIVE ASSISTANT TO
THE CHIEF JUSTICE

May 4, 1984

The Honorable Fred F. Fielding
Counsel to the President
Old Executive Building
Room 45
Washington, DC 20500

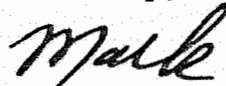
Dear Mr. Fielding:

You are invited to a luncheon meeting in the Ladies Dining Room of the Supreme Court on Tuesday, May 22 1984 at 12:00. This will provide contributors to the National Forum special issue on the Bicentennial of the Constitution and their assistants an opportunity to exchange ideas about the various articles and to discuss how each individual article will fit into the symposium as a whole. Each author, or author's representative, will lay out his or her article as it is taking shape and entertain questions and comments from others at the table. This should enable each of you to receive some feedback on your work while it is in progress.

I hope that you will be able to join us at this meeting. If you should wish to bring whoever may be assisting in the preparation of the article or send one or more in your stead, please contact me or Jim Glaser of my staff at 252-3400.

I look forward to hearing from you. Best wishes for good progress on your article.

Sincerely,



Mark W. Cannon

P.S: For your information, I have enclosed a copy of a recent letter from the American Bar Association Journal concerning a possible reprinting of the National Forum symposium.

Tues. 5/22/84
Working Lunch mtg

until
2:00 PM

American Bar Association

April 13, 1984

Dr. Mark W. Cannon
Administrative Assistant to
the Chief Justice
Supreme Court of the United States
Washington, DC 20543

Dear Mark:

This letter constitutes official notification that the Board of Governors has approved the request of the Commission on Public Understanding About the Law to co-sponsor with the Phi Kappa Phi Honorary Fraternity a special issue of National Forum: The Phi Kappa Phi Journal, devoted to the constitutional bicentennial and entitled, "Why Celebrate the Constitution? Toward the Bicentennial of the Constitution."

As a matter of ABA policy, the following considerations must be observed:

1. The publication must include a disclaimer to the effect that the opinions stated therein are not necessarily those of the American Bar Association or of the Commission on Public Understanding About the Law.
2. To the extent feasible, full identification should be given to authors in order to establish their qualifications, as well as to reveal potential conflict of interest.
3. To the maximum extent feasible, the publication shall endeavor to include all sides of every issue and remain essentially non-ideological in nature.
4. The publication shall bear on the cover or title page the name of the Association and, where practical, its logotype, as well as the name of the Commission.

COMMISSION ON PUBLIC UNDERSTANDING ABOUT THE LAW

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Dr. Mark W. Cannon
April 13, 1984
Page Two

With those formalities out of the way,
congratulations, and I look forward to a terrific
issue.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bob", enclosed within a circular flourish.

Robert S. Peck
Staff Director

RSP:wp
0681W

cc: C. Thomas Ross
Stephen White

May 10, 1984

Phi Kappa Phi National Forum Symposium

WHY CELEBRATE THE CONSTITUTION?
TOWARD THE BICENTENNIAL OF THE CONSTITUTION

1. Introduction: Toward the Bicentennial of the Constitution --
Perennial Issues and Vital Concerns

Mark W. Cannon
Administrative Assistant to the Chief Justice
of the United States

The introduction will serve three purposes: (1) to focus attention on the unique nature of the American experiment with a written constitution and on the benefits that have accrued to the people of this nation in the last two hundred years; (2) to highlight constitutional issues and problems, (e.g., the tensions between efficiency and protection against arbitrary decisions and between liberty and constraint) related to the dispersion of power through federalism and the separation of powers; and (3) to provide an overview of the themes in the symposium.

PART I

Celebrating the Constitution

2. The Old World Heritage and the Inspiration of the Founding
Fathers

Gordon S. Wood
Professor & Chairman, Department of History, Brown University,
Recipient of the Bancroft Prize for his book,
Creation of the American Republic 1776-1787

This article will examine moral, political, and economic thought in the world of the Founding Fathers. It will deal with the influence of Locke, Hume (who was drawn upon heavily in The Federalist) and the other Scottish philosophers, the rhetoric English country party, Montesquieu, and Newton, as well as the colonial experience and the lessons of governance learned from the experiment under the Articles of Confederation. The basic objective is to provide some background as to why the Constitution emerged as it did and to illuminate the rich intellectual heritage of the founding

generation. Consideration should be given to their understanding of a "higher law," their commitment to freedom of religion and speech, and their recognition of the need to check the arbitrary, coercive power of government. This will show how the Constitution transcended the fashioning of institutions and rules to symbolize a set of ideas that united a heterogeneous people and fostered an emerging nation.

The article should also show the linkage of the Constitution with, and its evolution from the Revolution, which rejected monarchy and patronage-dependency relationships along with the English social system. This period was characterized by tyrannical legislatures in states like Pennsylvania, and the experience contributed to the realization of a need for a strong executive and a judiciary separate from the legislature, carrying Montesquieu further than he had gone in separation of powers.

3. Creating and Ratifying the Constitution

Richard B. Morris
Gouverneur Morris Professor Emeritus of History
Columbia University, and
Co-Chairman, Project '87

This article will highlight the drama of drafting the Constitution and the craftsmanship that went into the writing of the document. Although consensus existed concerning the requirements of the goal of free government, the Founders compromised where necessary. While compromises must still be made in American politics--and this may be its distinguishing feature--the country has been widely committed to underlying principles of the Constitution (in spirit at least), and remains uncompromising in its fidelity to the Constitution. Because of the craftsmanship and farsightedness of the Founding Fathers, ours is a government of laws, not of men and women.

Also of interest is the ratification of the Constitution. The article should describe the remarkable process of ratification, as well as the debate that surrounded adoption of the document. Particular attention will be paid to the significant battles in Virginia and New York, where overwhelming opposition was converted into a three-vote victory. Attention should be devoted to the nature of the Anti-Federalist opposition and the long-term influence their arguments have had in American history.

4. Do We Have a Living Constitution?

Walter F. Berns
Resident Scholar, American Enterprise Institute, and
Former Professor of Political Science, Cornell and
Yale Universities

This essay will examine a central issue in American law, jurisprudence and political philosophy: in what sense does the meaning of our written Constitution change to meet assumed contemporary needs? In other words, in what ways and to what extent has the meaning of our constitutional provisions changed? Does the Constitution lay out basic principles that do not change but are simply applied to different situations in different periods? Are the principles of the Constitution pertinent to today's problems? To what extent and by what methods should the Constitution change?

PART IIRetrospective and Prospective Views of the Three Branches5. The First Branch: Congress

The Honorable Thomas P. O'Neill
Speaker of the House of Representatives

This article should provide an historical overview--from the Founders' conceptions to modern day practice--of the First Branch and the central role it plays in ensuring the representative nature of our government. Changes in the size, organization, staffing, and operation of Congress will be discussed, along with an assessment of power and methods of operation of Congress in contemporary political life and its responsibility to provide for the general welfare. Suggestions should be made as to Congress' future role, methods of operation, and relationships with the other branches.

6. The Power of the Presidency

President Ronald Reagan

Much like the previous article in focus and orientation, this article should place the presidency in historical and political perspective commencing with the conceptions of the Founders. Special attention should be given to the "two presidencies" in foreign and domestic affairs, and to enumerated, implied, and assumed presidential powers. While

some attention shall undoubtedly be given to the so-called "institutionalized presidency," the author should also address such historical concerns as the country's need for political statesmanship, leadership, and vision. Suggestions should be made as to possible changes in the role and functioning of the presidency and its relationship with the other branches, possibly dealing with such proposals as the item veto.

7. The Judiciary: From "the Least Dangerous" to a Co-Equal Branch of Government

The Honorable Warren E. Burger
Chief Justice of the United States

This essay will provide an historical perspective, starting with the Founders' conception of the judiciary and, in particular, the Supreme Court. What was conceived to be "the least dangerous branch" has become a coequal branch of government that has helped preserve the Constitution and ensure the rule of law, as well as the constitutional protections uniquely accorded civil and economic liberties. The article will cover the changing size, nature, and jurisdiction of the federal judiciary and its relationship to the state judiciary and the other branches. The author should highlight the appropriate contemporary and future role of the Court and its relationships with the other branches, providing suggestions for improved functioning of the judiciary and the federal system.

PART III

Enduring Values and Free Government

8. Civic Virtue, Morality, and Religion

Senator Orrin G. Hatch
Chairman, U.S. Senate Subcommittee on the Constitution, and
Author of P.L. 98-101 to Create a Commission on the
Bicentennial of the United States Constitution

The aim, here, is to discuss the importance of civic virtue, civic morality, and religion to the Founding Fathers and the colonists, and to examine their continuing import for democratic political life. For example, the Northwest Ordinance stated that religious education is essential to free government. The author should discuss the relationship between limited government and the necessity for a moral polity and illuminate the need for majority and minority religious freedom. The essay will conclude with a discussion

of how often conflicting views of religion and government have been accommodated and why addressing the issue of civic virtue and morality is important as we celebrate the Bicentennial. The recent emphasis on civic virtue by such historians as Bernard Bailyn of Harvard, and Gordon Wood of Brown, will be useful here. The article should also deal with potential conflicts between interpretations of the "free exercise" and "establishment" provisions of the First Amendment.

9. Civil Liberties and Limited Government

Wade H. McCree, Jr.

Professor, University of Michigan School of Law,
Former Judge for the Seventh Circuit Court of Appeals, and
Former Solicitor General of the United States

This article will show the unique role of the Constitution in channelizing the energy of the American Revolution into a creative, constructive system of government. It will contrast the fate of other revolutions, which failed to achieve their goals, with the American Revolution, which uniquely achieved its goals. Of central concern will be how the very structure of our constitutionally limited government was intended to provide for citizens basic civil liberties and rights. The article will discuss why the Bill of Rights was adopted (at the urging of the Anti-Federalists) and how the workings of our constitutional system--through legislation, constitutional amendment and judicial interpretation--have ensured and expanded some individual rights.

In addition to the role of structure, the political and legal culture will be emphasized, which helps to explain why constitutions with similar features often fail in other countries. Our success can be attributed to such factors as the existence of the highest literacy rate in the world, including England (this was based heavily on Bible reading); the founding generation's experience with self-government, which, despite a limited electorate, exceeded the experience of any other country; the philosophical breadth and statesmanship of leaders of the founding generation; the Anti-Federalists' willingness to accept, upon ratification, the constitutional system they had opposed; the commitment to the rule of law; the ability to improvise, such as the development of voluntary alternatives to litigation pointed out by John Adams after the British shut down the courts; and, with the tragic exception of slavery, the refusal to tolerate different legal treatment for different categories of citizens.

The author could also elaborate upon some of the fundamental tensions in our system of free government.

Exemplary are the tensions between liberty and constraint, majority and minority views, and the ever-vexing problem of balancing "the rule of law" with, as Chief Justice John Marshall said, "the transitory will of the people."

10. The Constitution and Guarantees for Free Expression: Rights

A. E. Dick Howard
White Burkett Miller Professor of Law and Public Affairs,
University of Virginia,
Consultant to the Subcommittee on Constitutional Rights,
U.S. Senate Judiciary Committee, and
Former Law Clerk to Justice Hugo Black

The rights article should focus primarily on the role of the First Amendment in our free society. In addition to doctrines of free speech and press, it should also include religion and association. Naturally, the First Amendment and the Supreme Court's evolving doctrines will figure prominently in the piece, perhaps providing a structure and an historical focus--from the founding period and the Blackstonian view of "free speech"; through the Supreme Court's first confrontation with litigation arising from the sedition laws during World War I and with the claims of Jehovah's Witnesses somewhat later; to the Court's articulation of a two-level theory of First Amendment protection and the recent expansion in the scope of the Amendment's protection for "fighting words", libel, obscenity and commercial speech. Along with these concerns, the author might also discuss the issues of freedom of association--from the NAACP cases in the 1950's to Buckley v. Valeo and campaign contributions--and of the right to vote as they relate to individual expression and self-determination in a system of free government.

11. The Constitution and Guarantees for Free Expression: Responsibilities

Tom Johnson
Publisher, Los Angeles Times, and
Former White House Fellow and Special Assistant
to the President 1965-1968

The responsibilities article will discuss the nature and causes of public skepticism of the media and the professional and ethical obligations of the media given their vast influence and constitutional protection from external control. The author might explore such approaches and devices as increased self-criticism, more conspicuous retractions, codes of ethics, ombudsmen, press councils, and changed incentives.

This article will be adapted from the Fourth Annual Frank E. Gannett Lecture given by Tom Johnson in Washington, D.C., December 8, 1981.

12. Factions, Parties, Interests and Public Participation

David Mathews

President, Charles F. Kettering Foundation,
Former Secretary, Health, Education, and Welfare, and
Former President, University of Alabama

The focus of this article should be on the idea of popular sovereignty and how, in historical perspective, that idea has been realized. Over the past 200 years, our Constitution has indeed become more democratic (principally through constitutional amendments pertaining to the election of senators and the extension of the right to vote) thereby inviting more direct participation in public affairs. The ideals of free government and popular sovereignty, in other words, appear to have become more meaningful for more people, and our fragile experiment in self-government has sustained itself. Nonetheless, the organizational dynamics and practical realities of American politics continue to change. The author, therefore, will place the idea of popular sovereignty into an historical and political perspective. This will explain the Madisonian model, as set forth in The Federalist, Nos. 10 and 51, and its breakdown in the rise of political parties in the 19th Century. The author could then turn to the contemporary problems confronting political parties and government institutions due to the rise of interest group pluralism. The author will offer a personal assessment of the opportunity for and obstacles to public participation in a political system increasingly dominated by special interest groups.

The author may address the following: the effect of interest groups on party discipline and on the formulation and implementation of public policy; the extent to which highly financed Washington-based interest groups, concentrated media, and the nationalization, bureaucratization and judicialization of government decision-making have made government officials less accountable to the citizenry; and how these same factors have made direct citizen participation in government more difficult.

In short, the central concern is a description and assessment of the changes in the constitutional system that may result in changes in the ideas of popular sovereignty and participatory democracy. Suggestions could be made for ways to increase both the responsibility and extent of citizen participation in government.

13. "A Commercial Republic," Freedom, Opportunity and Dignity of Work

Betty Southard Murphy
Partner, Baker & Hostetler,
Member, ABA Commission on Public Understanding About the Law, and
Former Chairman, National Labor Relations Board

Our nation owes much of its success to the Hamiltonian and Madisonian vision of a "large commercial republic." This essay will begin with those considerations and then examine the development and nurturing of our economic self-determination in historical perspective. It will conclude with an assessment of our future needs, problems, and developments.

The Founders viewed the new American Constitution not only as the vehicle for political and social revolution, but also as the stimulus for a thriving economy. Influenced by Adam Smith and David Hume, the Founders conceived that free enterprise would stimulate prosperity. They viewed free enterprise as the best way, as it frees people to improve their own situations by creating a prosperous environment with expanding opportunities. It was also conceived that freedom of economic opportunity would channelize factional conflict toward constructive economic and social ends. The rights of private property were seen not only as an incentive to effort, but also an affirmation of other rights by strengthening one's personal independence and making one less vulnerable to threat or coercion.

It will trace these concepts through major historic periods including the emergence of giant corporations with monopoly power, the development of labor unions, and the information society.

14. Science, Technology and the Constitution

Don K. Price
Former Dean, Kennedy School of Government,
Harvard University, and
Former Vice President, Ford Foundation

Many scholars have examined the effect of politics upon science. However, an interesting and oft-neglected topic is the effect of science upon politics. Don Price, in America's Unwritten Constitution, examines the interrelationship between science, religion, and government. He asserts that the characteristic American approach to political and legal authority was greatly influenced by the anti-authoritarian attitudes of early religious dissenters. These attitudes and ideas, which later became incorporated in the political attitudes of scientists, were important in the shaping of

American political institutions and practices. These two groups share a philosophy that solutions should be sought outside of government.

Conversely, our government has played an important role in the development and great achievements of American science. The Constitution specifically provides that the federal government shall have the power "To promote the Progress of Science and useful Arts" by ensuring the right of copyright and patent of discoveries and original writings. Moreover, in providing for the common defense and general welfare, Congress may make all laws "necessary and proper" for carrying into execution its enumerated powers (Article I). The national government, as the Founding Fathers with their exuberance over science recognized, thus has a responsibility for promoting and safeguarding science. That responsibility is vexatious given the ambiguous relationship between science and a constitutional system of free government. At one level, science, in its eternal quest for certainty and truth, claims to be above politics. While in a democratic society the principle of majority rule governs, politics based on compromises--compromises over issues both of a normative and causal nature--often confront and indeed counter scientific advances. Although science receives public support, this tension between political self-government and the self-regulation of science has been manifested in the history of governmental promotion and regulation of science and technology.

The tensions between science and politics are especially unique and acute in our constitutional system of free government, born as it was of the Enlightenment and dedicated to both freedom of inquiry and private enterprise. The relationship between science and politics has become even more important with the need for high-technology in securing the national defense and exploring the outer reaches of space, as well as with meeting the demands for improved health, safety and environmental conditions. In addition, the tensions have become more pronounced due to the expansion of government and the achievements of private enterprise which, over the past 200 years, have made the U.S. a science and technology oriented society and a world leader in research and development. This is so regardless of whether one considers computers, space exploration, or biomedical technology. Dr. Price, in his book The Scientific Estate, cautions: "If a government is to act as an organized whole, it must make decisions on problems for which neither the sciences, nor the professions that are based on them, are prepared to give complete answers. But although science can never provide a complete solution to any major political problem, no major problem can be dealt with today without its help, and its help can be effective only if it is given generous support, and a large measure of freedom by government."

This essay might examine the relationship between science and government in our constitutional system in terms of enduring values cum tensions--science vs. politics, scientific creativity and freedom vs. governmental regulation, public vs. private financial support of and limits on science--and might provide a broad historical overview of the achievements of American scientists, the increasing necessity for promotion and at times regulation of science, and the enormous benefits that science and technology have provided for our citizens and our enterprise system.

Many important recent issues are relevant, including the patentability of organic life forms and computer programs, advances in telecommunications and synthetic-organic chemistry, the further exploration of space, the challenge of improving the quality of life, and biomedical research and technology.

15. The Constitution and National Security

Rita E. Hauser

Senior Partner, Stroock & Stroock & Lavan, N.Y.C., and
Former U.S. Representative to U.N. Commission on
Human Rights

This essay touches on an especially timely and controversial topic, one that is in part already addressed in the piece on presidential power. It should be broad in scope and should cover in historical perspective the problem of national security rather than focus on contemporary issues per se--issues such as arms control, nuclear weapons, secrecy agreements, and proposed revisions of the Freedom of Information Act. As such, the essay should begin by discussing the failure of the Articles of Confederation to provide conditions necessary to national security and domestic tranquility. The essay might then move to the debates in the constitutional Convention over the secrecy of Congressional Journals, the power of Congress to appropriate for the national defense and to raise an army, and the powers of the President in foreign affairs and as Commander in Chief. From the founding period, the author should try to portray the major crises and challenges to national security cum sovereignty: the War of 1812, the Civil War, the rise of radicalism in the late 19th century which culminated in World War I, and finally the post-World War II era.

In addition, the author should touch upon the following topics and events: the development of the intelligence community and systems of classified information (following various executive orders and international events); the relationship between the press and the executive branch, along with the doctrine of prior restraint and claims to

"executive privilege" (emphasizing the degree to which the press has historically engaged in a great deal of self-censorship at the request of the government, at least until the Pentagon Papers and Vietnam); and the growing import of science and technology in national security and strategic planning, as well as contemporary threats to national security from "high-tech" espionage and foreign penetration of industry. A balanced presentation of the issues in the War Powers Resolution should also be made. The essay might conclude with the author's personal assessment of national security issues in this Bicentennial era. The piece should be balanced in noting that the Constitution, on the one hand, imposes limits on claims of national security when the coercive powers of government are turned toward citizens of the United States and, on the other hand, provides great freedom and flexibility when presidents must respond to foreign threats and international crises.

16. The Influence of the U.S. Constitution and Individual Freedom Abroad

Albert P. Blaustein

Professor of Law, Rutgers School of Law, and

Co-Author 18 Volume Constitutions of the Countries of the World

As a major political innovation, which created an immigrant haven for millions of the downtrodden and dissenters of the world, what impact did the U.S. Constitution have on other countries? The American Constitution captured the imagination of people in many lands, and many of its ideas were adapted in other countries. These will be traced with a few statistics on the growth of written constitutions, references to several countries' experiences, and one or two brief case studies such as that of yearly constitutionalism in France.

What aspects of the U.S. Constitution were most copied and when? What are the conditions that enable a people to create and abide by the constraints of a written constitution? What is the future role of the U.S. Constitution as both a symbol and a guide for instruments of freedom around the world? How should constitutionalism be blended with the current Project Democracy to encourage democracy around the world?

17. How Should the American People Celebrate the Bicentennial of the Constitution?

William J. Bennett

Chairman, National Endowment for the Humanities, and
Former President and Director, National Humanities Center at
Research Triangle Park, North Carolina

What should be the goals of the commemoration of the Constitution? How can the American people become engaged with the Constitution--encouraged to understand better the nature, limits, and implications of the Constitution? How can the public become more interested in trying to understand and vigilantly sustain those elements of the Constitution that have uniquely sustained ordered liberty and economic betterment for two centuries? How can the public be stimulated to participate more responsibly in our constitutional government? What ideas should be suggested for government programs for the commemoration? What ideas should be considered for constitutional and law-related education? What ideas should be considered for private citizen and organizational involvement?

May 22, 1984

SUMMARY OF THE NATIONAL FORUM PROJECT
ON THE BICENTENNIAL OF THE CONSTITUTION

National Forum, the quarterly magazine of the honor society Phi Kappa Phi, will soon be publishing a special issue which will illuminate the Constitution and our Bicentennial celebration of it. Due out in mid-October, the issue is shaping up remarkably well, and is likely to be the most widely referred to work during the Bicentennial commemoration. Following is a brief sketch of the project and plans for it.

The content of the issue will be first rate. The illustrious authors include Chief Justice Burger, President Reagan, Speaker O'Neill, Senator Orrin Hatch, former Solicitor General Wade McCree, and other leaders from academia, government, and the private sector. The enclosed outline details the complete "line-up". In the short time remaining before the Bicentennial, it is highly unlikely that any other publication will be able to put together such an acclaimed (and busy) group of contributors. Through widespread distribution, this special issue of the National Forum should serve as a "spark plug" for other bicentennial activities and as a reference and guide in celebration plans across the country and abroad. Phi Kappa Phi is funding the 48-page issue for distribution to its 105,000 members and the Kettering and Brown Foundations have contributed to make a wider dissemination of the magazine possible. Moreover, the American Bar Association Committee on Public Understanding of the Law voted unanimously to co-sponsor the project. It is hoped that the issue will be available to a great number of people planning for the Bicentennial and teaching about the American heritage and Constitution. Several organizations have indicated an interest in distributing the magazine to their memberships and to teachers and students. Two additional distribution possibilities would have enormous impact.

First, the Commission on the Bicentennial of the United States Constitution, to be appointed by the President in the near future, could make great use of the issue. The Commission, which will have minimal government funding (especially when compared to the American Declaration Bicentennial Commission/Administration which spent \$52 million), has yet to get off the ground. Whereas planning for the Bicentennial of the Declaration began a full decade before the event, this Commission may not be in full swing for several months. With such limited time and money, the Commission could utilize the issues as a resource and guide for the many organizational leaders and planners preparing for the Bicentennial.

The second possibility for widespread distribution is a reprinting of the entire National Forum in the ABA Journal. The ABA Board of Governors has formally endorsed the project, and the ABA Journal editorial staff has expressed interest in the reprinting of it in their November edition which is published mid-October. The problem is funding, especially given the decision of the ABA Board of Governors against raising membership dues this year--a move that requires serious budget cuts. The reprinting project would cost approximately \$72,000, which would be well worth the investment given the high visibility of the ABA and the audience that would be reached via the ABA Journal, which has a circulation of 350,000 and readership of almost one million.

This project offers great possibilities, especially given the dearth of other projects of this type. Many corporations and foundations are likely to be interested in helping support the celebration of the Bicentennial of the Constitution. This project offers an ideal opportunity to contribute to the celebration in a highly visible and constructive way. Funds are needed to support both the ABA reprint and a wider distribution plan (which is detailed in the enclosed budget). Your organization might be willing to consider helping with one or both of these goals. If you are interested in this project or have any questions, please call Dr. Mark W. Cannon at (202) 252-3400 or Dr. Stephen White at the National Forum at (617) 929-5347.